

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Nathaniel A. James,

Plaintiff,

v.

South Carolina Department of Corrections,

Defendant.

C/A No. 4:23-cv-5439-SAL

ORDER

Plaintiff Nathaniel A. James, a pro se litigant, filed this civil action pursuant to 42 U.S.C. § 1983 against the South Carolina Department of Corrections. This matter is before the court on a Report and Recommendation (the “Report”) issued by United States Magistrate Judge Thomas E. Rogers, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the court dismiss Plaintiff’s case with prejudice. [EFC No. 13.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 6. Plaintiff did not file objections to the Report, and the time for doing so has expired.

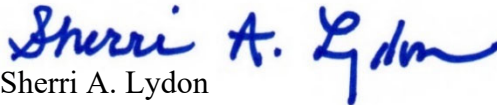
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 13, and incorporates it by reference herein. As a result, this matter is **SUMMARILY DISMISSED with prejudice and without issuance of service of process.**

IT IS SO ORDERED.

March 25, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge